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Supreme Court, U.S.
FILED
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No. 03-728

IN THE

SUPREME COURT OF THE UNITED STATES

SALLY DIVILLY – PETITIONER

VS.

PORT AUTHORITY OF ALLEGHENY COUNTY – RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

PETITION FOR REHEARING

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REASONS FOR GRANTING REHEARING

Whether the lower court violated Ms. Divilly's due process rights under the First and Fourteenth Amendments to the United States Constitution by reversing the grant of a new trial by the trial court.

LIST OF PARTIES

Sally Divilly (Petitioner)

Port Authority of Allegheny County (Respondent)

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PETITION FOR REHEARING

Pursuant to Rule 44.1, petitioner respectfully petitions this Court for rehearing.

This is a proper claim. Violation of due process rights under the First and Fourteenth Amendments to the United States Constitution by reversing the grant of a new trial by the Trial Court.

As stated in the Petition for Writ of Certiorari, the core element of the Fourth Amendment is the concept that the process used by the Courts must be fair. By denying the petitioner the right to a new trial as originally granted by the Trial Judge denies the fairness guaranteed by the United States Constitution. The Trial Judge was the one to hear the evidence and was in the best position to decide whether the verdict was "shocking." To deny him that decision without reason was to deny him the fairness required by the Fourteenth Amendment of the United States Constitution.

All I am asking for is justice. The Port Authority (respondent) does not deny there was an accident on September 9, 1996. As a result of this accident, I, along with other passengers on the bus, was transported by ambulance to a nearby hospital. I was evaluated by medical doctors in the emergency room and referred by them to other medical doctors because of the injuries I sustained. I was diagnosed by medical doctors as having injuries to my neck, back, lower back and feet. I now have nerve damage to my feet and am unable to stand or walk for any marked length of time without being in extreme pain. The only way to correct the nerve damage is through surgery.

Before this accident, I was a productive, hard-working, tax payer for over 30 years. As a result of the injuries I sustained in this accident, I lost the job that I

had as I am no longer able to stand or walk on my feet for any long periods of time. This accident has caused a huge financial loss to me as this was my sole means of income. I am a single woman supporting myself. I have no family here in the United States – my family lives in Ireland.

I humbly ask the Court to compensate me for the financial losses I have incurred as a result of this accident. In addition, I ask for compensation for the medical bills that have been incurred as well as the future surgeries I will need to repair the injuries sustained during the accident. Any fair settlement would be acceptable. I am asking for $250,000.00.

I humbly ask for justice in the Supreme Court of the United States of America.

CONCLUSION

Its grounds shall be limited to intervening circumstances of substantial grounds not previously presented. The opinion of January 12, 2004, should be vacated, and the case scheduled for reargument.

Respectfully submitted,

Sally Divilly

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February 5, 2004